

REMARKS

In response to the Office Action mailed April 28, 2003, reconsideration of this application as amended is respectfully requested.

Claims 1-23 are pending. Claims 1-23 stand rejected.

Claims 24-45 have been added. Support for the amendments is found in the specification, the drawings, and in the claims as originally filed. Applicant submits that the amendments do not add new matter.

Rejections Under 35 U.S.C. § 103(a)

Claims 1, 4-5, 8, 12, 15-16, 19 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,629,752 of Kinjo (“Kinjo”) in view of U.S. Patent No. 5,802,361 of Wang et al. (“Wang”).

Kinjo discloses a “method of determining an exposure amount and a method of extracting a figure, and more particularly to a method of determining an exposure amount by deciding a region corresponding to the face of a human figure which is present in an original image and determining an exposure amount such that the decided region is printed in an appropriate color, and to a method of extracting a figure so as to extract from an image a region in which a figure to be extracted is present” (see column 1 lines 8-16).

The office action equates “changing differential values” and “excluding the regions in which differential values change regularly” as disclosed in Kinjo (column 18, line 65 to column 19 line 17) to “determining a first area wherein a color gradient has a low value” as claimed in claim 1. In addition, the office action equates “density contrast” and “exclude regions whose density contrast is less than or equal to a predetermined value” as disclosed in Kinjo (column 18 lines 48-64) to “determining a second area wherein an intensity value has a high value” as

claimed in claim 1. However, the Office Action states Kinjo “does not explicitly disclose that a logical AND is performed on the first and second areas to create a third area or selecting portions of the third area with suitable hue saturation.”

Wang discloses “methods for searching, both still images and images contained in video by using a user interface for constructing, search inquiries for using during searching, and for displaying retrieved images. The method of searching for images relies on the presence in the image of image attributes that describe various statistical qualities in the image, such as average distribution of color, motion, or the like, and that can be mapped to perceptual qualities in the image, such specific color or range of colors, the presence of a moving object, the appearance of specifically shaped object in a given area of the image or images, or the differentiation of a video into separate scenes” (see column 4, lines 41-54).

The Office Action states Wang discloses “the user may search for multiple attributes by performing a logical AND (conjunction) on a first area containing a specific attribute (such as low color gradient) and a second area containing another attribute (such as high intensity) to create a third area including both desired attributes (column 17, line 9-24).”

The Applicant respectfully submits Kinjo in view of Wang does not disclose each and every element as claimed in claim 1. Specifically, the Applicant respectfully disagrees with the interpretation that the “changing differential values” analysis (see column 18-19 lines 65-17) equates to “determining a first area wherein a color gradient has a low value” as claimed in claim 1. The “change differential values” as disclosed in Kinjo, relate to the “density values of the respective pixels in the regions are differentiated along a plurality of mutually different directions (e.g., the left-and-right direction, the vertical direction, and directions inclined by +-.45.degree with respect to the left-and-right direction)” (see Kinjo column 18-19 lines 65-2). Kinjo performs this functionality when searching for a predetermined pattern, such as eyeballs,

which may be in mutually different directions, such as a left-and-right direction, a vertical direction etc., within a region assumed to be a face (see Kinjo column 6-24). This does not relate to “determining a first area wherein a color gradient has a low value,” as claimed in claim 1. Therefore, the Applicant submits Kinjo does not teach or suggest, “determining a first area wherein a color gradient has a low value,” as claimed in claim 1.

Furthermore, the Applicant respectfully disagrees with the interpretation that the analysis of the “density contrast” as disclosed in Kinjo (column 18, line 48-64) equates to “determining a second area wherein an intensity value has a high value,” claimed in claim 1. The intensity value, as claimed, is not the same as the contrast of the density as defined in Kinjo because the intensity value, as claimed, is not based on “the difference between a maximum density value and a minimum density value” as specifically disclosed in Kinjo (see column 18, lines 49-50). Therefore, “density contrast” as disclosed in Kinjo does not teach or suggest an intensity value, as claimed.

Moreover, the Applicant respectfully disagrees with the interpretation that Wang teaches “performing a logical AND on said first area and said second area to create a third area.” Specifically, the conjunction tool, in Wang, is part of a graphic user interface for constructing a search inquiry based on multiple attributes in an image (see column 14, lines 34-42; column 15, lines 1-2; column 15, lines 10-15; column 15, lines 21-40). This is not the same as creating an area based on the “performing a logical AND on *said first area* and *said second area*.” Therefore, Wang does not teach or suggest this limitation as asserted by the office action.

Accordingly, the Applicant respectfully submits that the combination does not teach or suggest each and every element of claim 1. Independent claims 12 and 23 include features similar to those discussed above for claim 1. Therefore, the Applicant respectfully requests the rejection to claims 1, 12, and 23 be withdrawn. Claims 2-11 and 13-22 are dependent (directly

or indirectly) one of claims 1, 12, or 23. Therefore, the Applicant respectfully requests the rejections to claims 2-11 and 13-22 be withdrawn.

It is respectfully submitted that in view of the amendments and arguments set forth herein, the applicable rejections and objections have been overcome.

If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 07/25/03



André Gibbs
Reg. No. 47,593

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(408) 720-8300